Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended): A drug eluting brachytherapy device, comprising:

(a) an insertion member having a proximal portion, a distal portion, and at least one lumen extending therethrough;

(b) an expandable surface member mated to the distal portion of the insertion member and defining a spatial volume therein, wherein said spatial volume is configured to receive a radiation source therein to enable a three-dimensional isodose profile that is substantially similar in shape to said expandable surface member; and

(c) a treatment agent releasably mated with an outer surface of the expandable surface member; wherein at least a portion of the treatment agent is delivered to adjacent tissue when the brachytherapy device is positioned within a tissue cavity.

2. (original): The device of claim 1, wherein the expandable surface member is a fluid retaining expandable surface member.

3. The device of claim 1, wherein the treatment agent is nonradioactive.

4. (canceled)

5. (canceled)

6. (canceled)

7. (original): The device of claim 1, wherein the treatment agent is coated on the outer surface of the expandable surface member.

8. (original): The device of claim 7, wherein more than one layer of treatment agent is disposed on the surface of the expandable surface member.

9. (original): The device of claim 8, wherein different treatment agents are disposed in different layers.

10. (original): The device of claim 1, wherein the treatment agent is dispersed within a sidewall of the expandable surface member.

11. (original): The device of claim 1, wherein the treatment agent is disposed on only a portion of the surface of the expandable surface member.

12. (original): The device of claim 11, wherein the treatment agent is disposed on less then about half the surface of the expandable surface member.

13. (original): The device of claim 1, wherein the expandable surface member includes a first surface adapted for positioning against a tissue surface.

14. (original): The device of claim 13, wherein the treatment agent is disposed only on the first surface.

15. (original): The device of claim 1, wherein the treatment agent is selected from the group consisting of, a chemotherapy drug, an anti-neoplastic agent, an anti-angiogenesis agent, an immunomodulator, a hormonal agent, an immunotherapeutic agent, a pain reliever, an antibiotic or combinations thereof.

16. (original): The device of claim 1, wherein the treatment agent is mixed with a binding agent.

17. (original): The device of claim 16, wherein the binding agent is a bioresorbable polymeric binding agent.

18. (currently amended): A drug eluting tissue positioning device for positioning target tissue surrounding a resected tissue cavity so that the target tissue can receive a measured radiation dose, comprising:

a catheter body member having a proximal portion and a distal portion;

an expandable surface member, the expandable surface member defining a spatial volume therein, wherein said spatial volume is configured to receive a radiation source therein; and

a treatment agent releasably mated with an ~~the~~ outer surface of the expandable surface member; wherein at least a portion of the treatment agent is delivered to tissue surrounding the resected tissue cavity when the device is positioned within the resected tissue cavity.

19. (original): The device of claim 18, wherein the expandable surface member is constructed of a material permeable to a treatment agent.

20. (original): The device of claim 19, wherein a second treatment agent capable of permeating through the walls of the expandable surface member is disposed within the expandable surface member.

21. (original): The device of claim 20, wherein a fluid delivery path for the delivery of a second treatment agent extends through the catheter body member into the spatial volume within the expandable surface member, and out through the permeable expandable surface member.

22. (original): The device of claim 18, wherein the expandable surface member includes permeable and nonpermeable portions, and the treatment agent is mated with only the nonpermeable portions.

23. (original): The device of claim 18, wherein the treatment agent is selected from the group consisting of, a chemotherapy drug, an anti-neoplastic agent, an anti-angiogenesis agent, an immunomodulator, a hormonal agent, an immunotherapeutic agent, an antibiotic or combinations thereof.

24. (original): The device of claim 18, wherein a radiation source is disposed within the expandable surface member.

25. (original): The device of claim 18, wherein an external radiation source is disposed outside of the expandable surface member.

26. (currently amended): A method of delivering a treatment material, comprising:

providing a drug eluting brachytherapy device having a catheter body member with a proximal portion and a distal portion, an expandable surface member defining a spatial volume, and a treatment agent releasably mated with an outer surface of the expandable surface member;

positioning the brachytherapy device within a tissue cavity; and

delivering the treatment agent to tissue surrounding the tissue cavity.

27. (original): The method of claim 26, wherein the tissue cavity is a resected tissue cavity created during a lumpectomy procedure.

28. (original): The method of claim 26, wherein the treatment material is a chemotherapy drug.

29. (canceled)

30. (original): The method of claim 29, wherein a first treatment agent disposed in an outer layer begins releasing before a second treatment agent disposed in an inner layer begins releasing.

31. (original): The method of claim 26, wherein the tissue cavity is a naturally occurring cavity.

32. (original): The method of claim 31, wherein the cavity is selected from the group consisting of the bladder, the esophagus, the gut, the urethra, and the ureters.

33. (original): The method of claim 26, wherein the tissue cavity is mechanically formed.